TRANSCRIPT OF PROCEEDINGS

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REPORTED BY:
ANNE M. DUFFEY
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MR. HASTREITER: So welcome, everybody. For those who don't know me, my name is Jim Hastreiter. Thanks for joining us today for the scoping meeting for the Pacific Marine Energy Center South Energy Test Site or PMEC-SETS. It's FERC Number 14616.

I'm with the Federal Energy Regulatory Commission. My office is located in Portland. Our headquarters office is in D.C., of course. I'm a fishery biologist, and I'm also the Coordinator for licensing of the PMEC-SETS Project.

Also conducting the scoping meeting with me today is Oregon State University or NNMREC which I'll let Dan explain that and their consultants, Pacific Energy Ventures. I'd also like to point out we have a court reporter with us today, Anne Duffey, and she'll be making a transcript of the meeting, and I think she has the spelling of most people's names, but when you first -- if you have something to say, if you could say your name and spell your name for her, that would help her immensely.

So I just want to quickly go over, even though many of you are familiar with FERC and FERC licensing process, of what we do just in case there's a couple folks that don't know, but FERC regulates non-federal hydropower
projects and that includes marine and hydrokinetic projects as well.

The Federal Power Act requires projects to have licenses to operate. A license consists of articles and conditions that direct how a licensee can construct and operate a project. These conditions usually are used to protect, mitigate, and enhance environmental resources that could be affected by the project. These resources can be fisheries, marine mammals, recreation, cultural resources, and other issues as well which we'll get into during the meeting. So that's essentially a general overview of FERC hydro licensing.

I'd next like to introduce Dan. Dan's with Oregon State University and the National Marine --

MR. HELLIN: Northwest National --

MR. HASTREITER: Northwest -- go ahead.

MR. HELLIN: I'm Dan Hellin. I'm with the Northwest National Marine Renewable Energy Center at Oregon State University. I'm the Environmental Compliance Manager, and I'm sitting in for Belinda Batten who unfortunately -- who's the Director who's unfortunately ill and couldn't make it today. With me, also, is Justin Klure from Pacific Energy Ventures. Justin's basically the Project Manager for the regulatory side of all of this.

Just a very brief background: NNMREC is a
center at the Oregon State University and University of Washington, and the Oregon State University team are the ones who are developing the Pacific Marine Energy Center South Energy Test Site. So that's how NNMREC fits in. I'm just going to briefly start off with a few slides and then pass over to Justin for the bulk of the presentation.

Firstly, the agenda. I'm trying to look over my shoulder. Introduction is done. We're then going to talk about the Alternative Licensing Process, the proposed action itself, the scoping of issues. Then we'll have comments and discussion, and we'll end up with some administrative items.

MR. HASTREITER: So I think because we have such a small group, my preference would be let's go around and everybody can introduce themselves and say who you're with.

MS. HATFIELD: My name is Kim Hatfield and I am a biologist working with the National Marine Fisheries Service West Coast region out of the Portland, Oregon, office.

MS. KELLY: Delia Kelly. I am the Ocean Energy Coordinator for Oregon Department of Fish & Wildlife out of Newport, Oregon.

MR. HOMOLKA: Ken Homolka, H-o-m-o-l-k-a, the Oregon Department of Fish & Wildlife in Salem. I'm the
Hydropower Program Leader.

MR. KLARIN: Paul Klarin, K-l-a-r-i-n. I am
the Marine Program Coordinator for the Department of Land
Conservation & Development.

MR. SANDERS: My name is Greg Sanders,
S-a-n-d-e-r-s, and I'm with the Bureau of Ocean Energy
Management in the Pacific regional office.

MS. MOON: I'm Ruby Moon, M-o-o-n, and I work
for Oregon Sea Grant. I am the Marine Renewable Energy
Associate.

MR. KRUTZIKOWSKY: Greg Krutzikowsky. That's
K-r-u-t-z-i-k-o-w-s-k-y and I work with Oregon Department of
Fish & Wildlife on nearshore policy issues.

MR. KIRKENDALL: Keith Kirkendall, National
Marine Fisheries Service. The name is K-i-r-k-e-n-d-a-l-l.
I'm the Environmental Services Branch Chief for the West
Coast region.

MR. STEIN: Tony Stein, the Ocean Shores
Coordinator for Oregon State Parks. My last name,
S-t-e-i-n.

MR. RUMRILL: Steve Rumrill, the Shellfish
Program Leader for Oregon Department of Fish & Wildlife.
R-u-m-r-i-l-l.

MS. MATTES: Lynn Mattes, M-a-t-t-e-s. I
manage all of the marine recreational finfish fisheries
except for salmon for Oregon Fish & Wildlife so all the
bottom fish and halibut.

MS. HOFFORD: Anna Hofford. I am with Pacific
Energy Ventures and we are Project Managers for the
regulatory process with OSU. My last name is H-o-f-f-o-r-d.

MR. BROWNE: Peter Browne with HDR. We're
supporting the regulatory aspects of the Project. My last
name is B-r-o-w-n-e.

MR. McMURRAY: Greg McMurray and I'm an
Environmental Advisor to Oregon State University.

MS. KRAMER: I'm Sharon Kramer, K-r-a-m-e-r,
with H.T. Harvey & Associates, and I'm on the team with HDR
and PEV.

MR. HUTCHINSON: Matt Hutchinson,
H-u-t-c-h-i-n-s-o-n. I'm also with HDR.

MR. HASTREITER: Good enough. All right.
Thanks for doing that, everybody. So again, most of you are
familiar with FERC process but there's a few that aren't so
I'm just going to quickly go through a description of FERC
licensing process.

So in a general FERC process there's two time
periods. There's the pre-filing and post-filing. In
pre-filing, the applicant develops the application -- the
license application; and in post-filing, FERC acts on the
application.
And in this case, Oregon State University-NNMREC has selected the Alternative Licensing Process to license the PMEC-SETS Project. The basic tenet of the ALP process is collaboration. Through collaboration with interested stakeholders, the applicant tries to resolve major issues by -- and they do that early in pre-filing by forming some working groups of the stakeholders, developing a communications protocol and process plan, and preparing a Preliminary Application Document. And then they request to use the ALP from the Commission.

The PAD is a collection of available information about the Project, both baseline environmental information and proposed designs of the Project. The communications protocol establishes the ground rules for how the stakeholders interact and how they're going to operate together while the license applications can be developed. And the process plan establishes the general schedule for meeting the different milestones that the applicant has to meet.

Once FERC approves the ALP, the applicant produces a Scoping Document 1, and that document includes a preliminary list of environmental issues. They were mailed by PE -- by OSU to all the stakeholders. We have extra copies over here if anybody wants another one.

Then we typically hold scoping meetings and
after scoping meetings, we address comments that are received that maybe we didn't address and that would be dealt with in a Scoping Document 2 which OSU then would issue to the mailing list and file with the Commission.

The next step is studies. And again, through collaboration, OSU would work closely with the stakeholders to identify studies that are necessary to inform the application. Typically, there are two years of study involved.

After the studies are complete, the applicant prepares their license application, and in this case, because it's an ALP, they will also prepare a draft environmental document. The applicant then files that application -- completed application with the Commission along with the draft environmental document, and at that point, the post-filing part of the process begins.

So at that point, it's in FERC's hands and the first thing we do is we notice that we've received the application. Our staff then -- we have five or six disciplines typically involved in reviewing the application, and we'll also review the draft environmental document that OSU will provide.

Once we find that the application is sufficient and that we have adequate information to move forward on our environmental document, we move forward with that document.
But our goal in this case, because it is an ALP and
supposedly we have collaboratively produced application
and draft environmental document, our document will be
based on -- off of the draft that Oregon State provides.

In some cases, we have settlement agreements
but in this case, there isn't going to be a settlement
agreement, but typically, the ALP process can result in a
similar sort of situation where there's total agreement on
effects, mitigation, and a host of issues.

The next step then for the Commission is a
licensing decision, whether to license the Project as
proposed or some sort of an alternative. And so that's just
a quick go-through and if there's any folks that aren't
familiar with FERC and FERC process, just hit me up after
the meeting and I'd be glad to explain any -- any more of
the details of the process.

So at this point I think I'm going to turn it
over to Dan.

MR. HELLIN: Back to me.

MR. HASTREITER: Okay.

MR. HELLIN: Thanks. So I'm just going to
briefly go over the Proposed Action for the South Energy
Test Site. What we're proposing is an integrated test
center to test wave energy conversion devices and
particularly to look at -- to evaluate the performance of
the devices, their survivability in the open ocean, and also
the environmental interactions of the devices and mooring
systems and so on.

The idea behind this is to facilitate the
commercial -- commercialization of wave energy conversion
devices to basically advance the Oregon and U.S. renewable
energy goals. It's important to note, though, that our
facility that we're proposing is only ever going to be a
test facility. It's never going to be a commercial facility
itself.

The site is going to be approximately six
nautical miles -- oh, sorry -- six nautical miles offshore,
and the site itself is going to be two square nautical
miles. And we worked with a lot of the stakeholders in
Newport and the surrounding areas and particularly with
Fishermen Involved in Natural Energy, FINE, who came up with
a six nautical mile area -- square nautical mile area off
Newport that they felt would be the most suitable or most
acceptable to them as the area for us to develop our site.

The Project itself will ultimately consist of
four test berths, and those berths will have -- be able to
test individual wave energy conversion devices, WECs, or
small arrays of devices. The Project itself is going to --
will never have more than 20 devices in place for the whole
Project, and the maximum power output for all four of the
sites will be no more than 20 megawatts.

The power generated at the site will be transmitted back to shore using four subsea cables which will be buried and then run through conduit when they get closer to shore, and the life expectancy of the cables and the Project itself is approximately 25 years.

I just want to show you some -- these are very much illustrations -- a lot of you have seen them -- but sort of illustrations of the types of arrays that we might have or the types of setups we might have. Here you'll see there's -- we have four berths, one in each corner with a cable running to each berth, a subsea connector, and then an -- a device or a number of devices. In this illustration there are six devices. In this, I believe, there's ten devices; three small arrays and one single device. This third illustration is 15 devices. And the final one is a maximum buildout of 20 devices.

This map here shows -- the sort of reddish area is the six square nautical mile area that FINE defined as being most acceptable to that as the site that we could put our Project in. If you look to the bottom right-hand side, you'll see a two square nautical mile box so that's about the area that the Project would be -- it may not be square. It may be a rectangle and so on, but that's the area we're talking about. And the site is completely in the Outer
Continental Shelf. Obviously, cables would run through the
territorial sea, but all the devices themselves would be on
the Outer Continental Shelf.

I will now pass to Justin.

MR. KLURE: Great. Thank you, Dan. So what
I'd like to do is just do a quick overview of the regulatory
process and then take a little bit more of an in-depth look
at the Scoping Document and the issues that we've developed
as they relate to the Project.

So just kind of a status report on kind of the
various regulatory regimes that we're operating on.
Obviously, we're -- we're here under the FERC scoping
meeting, but we also are required to get a lease from the
Bureau of Ocean Energy Management.

So that lease request was submitted about a
year ago and had a comment period associated with it earlier
this year. And just recently it was determined by BOEM that
they would utilize their non-competitive lease rules and
apply those to the -- to the Project. So, essentially, you
submit a lease request to BOEM and you end up in one of two
camps; either competitive or non-competitive. Ours is the
non-competitive which means that there was no competitive
interests determined when we had submitted our lease
application.

With the FERC process, as Jim mentioned, the
applicant's responsible for submitting an NOI PAD which is a
Notice of Intent to file a license and a PAD is a
Preliminary Application Document. To date that PAD is
probably the most comprehensive document regarding the
Project.

The Scoping Document that's been referenced and
copies sitting behind me is a subset of the PAD and -- and
goes into some detail but again, the PAD is probably a
little bit more detailed as required by the regulations.
We have received notice from FERC that they have accepted
our NOI PAD and have approved the use of the Alternative
Licensing Process that Jim mentioned earlier.

With regards to NEPA, I assume most folks are
familiar with that. There are various NEPA requirements put
on the applicant for this Project in addition to BOEM and
FERC. It's likely we'll need to coordinate with the U.S.
Corps of Engineers and potentially also the Department of
Energy which is a federal entity that's currently funding
the Project. And so our goal, obviously, is to do as much
coordination and overlap as we can with the NEPA documents
that they meet everybody's regulatory needs.

So we are in that NEPA process right now. You
are attending our first scoping meeting. That's based on
the Scoping Document that was sent out to stakeholders about
a month ago. As Jim mentioned, we're required to
potentially revise that document based on input that we hear
today as well as other comments that we receive.

And then moving forward, we will prepare an
environmental assessment document. And again, the goal is
to create a single EA that meets the needs of everybody's
regulatory requirements, whether it be FERC or BOEM with the
license release or any DSA consultation requirements by some
of the other resource agencies. So those are kind of the
highlights there with regards to our regulatory process.

Just a quick kind of schematic or timeline
there, as you can see. The NOI PAD was submitted back in
April. You can see there at about the middle of the 2014
nomenclature there, we're in our scoping process which I'll
talk a little bit in detail here in just a moment.

Our current schedule has us submitting a draft
license application in first quarter of 2015, and then we
have associated preliminary recommendations and conditions,
study reports, and then our final license application is
currently scheduled to be submitted at the end of 2015. So
about a year and a half from now we hope to have a final
license application submitted to FERC.

So if we zoom in a little bit on the -- kind of
the spring, summer, fall months or in other words, the
scoping schedule, you can see here, also noted is that
request to use the ALP and the PAD. We're having our
scoping meetings today and later this evening. What initiates that scoping process is our filing of the Scoping Document 1, again, which is behind me here and does a general overview of the Project.

Tomorrow we will go out to one of the proposed site locations for the cable interconnect. There were three locations or paths identified in the PAD. We chose one to go look at and -- and kind of have a site visit which likely entails us looking out over the horizon as there isn't necessarily a specific project, obviously, in that -- in that location.

And then we receive comments and study requests both from the agencies through our collaborative Alternative Licensing Process and also general public has the opportunity to provide comments. We compile those comments and that results in the Scoping Document 2 which we're required then to file with FERC. That has our final list of issues to be analyzed in the EA, and also the final study plans with -- associated with baseline -- collection of baseline information.

So a little closer look. A bit of redundancy here but really what our -- the goal of the Scoping Document is to provide the preliminary list of issues and the list of our proposed studies which I'll talk about here in a few minutes, and it's really based on existing information or
knowledge about the Project and the existing environment.
So you can -- you can view that as a Draft Scoping Document per se.

We go through this comment period where the --
we have our meetings and collect information, and then we go through a revised or a Scoping Document 2 of which we have our final list of resource issues to be analyzed and our final study plans.

So the overall outline of the Scoping Document -- again, most of you are probably familiar with this and have at least taken a peek at the current document -- but there's an overall purpose and schedule associated with the Scoping Document. There's the proposed action and alternatives. Dan described at a high level the proposed action. As mentioned, there's more details in the Preliminary Application Document for those interested.

We're required to discuss the scope of cumulative effects and the resource issues; the proposed list of studies, as I've mentioned; requests for additional information and studies; our kind of overview or outline of what the EA is going to look like and general preparation that we anticipate that would go into that document.

The purpose of scoping really is to get input from agencies, tribes, NGOs, and the general public. Again, we kind of, as the applicant, make the first determination
of the Project and the existing environment and the like,
and then we -- we look to the public and the agencies to
provide us additional information. And the focus really is
to identify general concerns, opportunities, and enhancement
for -- and -- or mitigation. So that's a term there:
Concerns, opportunities for enhancement or mitigation.
You'll hear that a lot.

Also, to identify reasonable or prudent
alternatives to the program -- to the Project. Really, I
think one of the most important things for us is to get
available information. We've been working with the agencies
and others to collect as much information as possible and
then where needed, study -- study plans to fill in some of
those information gaps, and then to identify the final scope
of resources that we would analyze in the EA.

So I'm just going to quickly walk through those
couple chapters of things that we're responsible to look at.
Here's a summary of those areas or issues that we're
responsible to analyze: Cumulative effects; geology and
soils; water resources; aquatic resources; terrestrial
resources; threatened and endangered species, critical
habitat and essential fish habitat; recreation and land use;
cultural and tribal resources; aesthetics; and
socioeconomic.

So for cumulative effects we're responsible for
looking at the resources, in general, and really trying to understand both the spacial or geographic scope of the Project site, its terrestrial interaction. Obviously, not just the site in the OCS but the cable path and anything we have on land, and then the temporal scope so both past, present, and foreseeable future actions that would be associated with the Project. And our timeline for this Project, as Dan mentioned, is 25 years. That's going to be the license request as well as the lease request and our anticipated life of the Project.

To kind of take a little bit of a deeper dive into geology and soils, we need to understand the effects of the Project installation and removal activities on local geology and soils. We're also responsible to understand both the presence of hard structures on the seabed and essentially overall effects of the Project with regards to sediment transport processes.

So again, these are the things that we expect to be analyzed for both cumulative and site-specific aspects or at least the sediment -- excuse me. We've got that asterisk there as areas that we both have to look both at site-specific and as well as cumulative effects, but that's essentially how we currently review the geology and soil. And again, there's much more detail in the Scoping Document for those that are interested.
Water resources: We need to understand both
the effects of Project operations and the facilities on
total dissolved gases, water temperature, toxic compound
concentrations, pH, et cetera. Again, this is an issue,
too, that we need to look at both site-specific and
cumulative effects. Aquatic growth on the structures on
water quality; effects based on the anchor and the cable
installation which also includes sediment suspension;
effects of antifouling or coatings with regards to water
quality; and any effects of potential accidental spills of
fuels or other fluids associated with the Project site there
on water quality.

Aquatic resources: We need to understand any
changes in the presence of fouling organisms; alterations or
dis-- distribution or abundance of predators and prey
species. Again, another one of those issues we have to both
understand site-specific and cumulative effect. Effects on
species interactions as a result of the Project, either
being attracted to the Project or avoiding; also, effects of
underwater noise or vibration on marine mammals, seabirds
and other sea life. Again, those asterisks are both
site-specific and cumulative effects.

A few more details on aquatic resources. We
also have to understand risk of collision or entanglement of
the Project structures both to marine mammals and seabirds
and other species identified; effects on navigational lighting for seabirds; Benthic habitat alterations both on the installation and removal and overall operations of the Project site; effects of changes in wave energy on both littoral and shoreline habitat; and effects of EMF or electromagnetic field emissions on those species that may be sensitive to EMF.

So for terrestrial resources, we need to understand if there's any temporary displacement or disturbance to wildlife or other botanical resources in the immediate Project vicinity during construction, and we also need to understand the effects of any alteration or loss of habitat based on the presence of the Project structures. And for the terrestrial aspects of the Project structures, we're looking at a power monitoring and conditioning facility, a building of some sort, and any additional interconnection or transmission that we're required and need for the Project of transmitting the power back to the grid.

Threatened and endangered species: Also, obviously, required for our analysis. The effects basically on the Project -- of the Project on any federally listed species in the Project area. Some of those are included here; marine mammals, fisheries, birds, and sea turtles.

Critical habitat and essential fish habitat:

We need to understand the effects of construction,
operation, and maintenance of the Project on designated
critical habitat, and we also, obviously, need to understand
potential effects of construction, operation, maintenance on
the essential fish habitat.

Recreation and land use: Potential effects on
navigation or restrictions to recreational vessels; effects
of wave attenuation or surfing opportunities; and the
effects of recovery and cleanup activities associated with
any potential spills or other emergencies as it relates to
coastal recreation. Again, I'll highlight the two asterisks
there that require us to look both at site-specific and
cumulative effects.

Cultural and tribal resources: Effects on the
potential effects of the Project on historic or
archeological, traditional coastal resources located within
the Project area. Also, we're required to look at potential
effects on the Project as it relates to tribal uses and/or
resources located with -- within the Project area.

Aesthetic resources: Essentially, any
aesthetic or visual effects or experience from the shore.
We need to understand what those are and what the potential
aesthetic issues may be by having the Project located where
it is.

And finally, we're required to analyze any
socioeconomic resources, and this essentially looks at both
navigational restrictions on any potential lost gear both
for recreation and commercial crabbing and fishing; any
effects on potential navigation restrictions on marine
transportation there at the Project site or nearby. And,

especially, we need to understand economics of both the
Project as well as alternatives and the effects on any
recommended environmental measures on the Project's overall
economics.

So just quickly I'd like to touch on the
proposed studies that we have identified in our Scoping
Document 1. Again, these are the proposed studies based on
information as we currently knew it back a month or two ago
when we developed the Scoping Document.

So these are the proposed studies that we have
identified to be included in our scoping process. The first
there is the Sedimentary Habitat & Infaunal Invertebrate.
Really, our objective there is to characterize sediment
characteristics and infaunal species both present and
abundant in and around the Project area really to try and
get a handle both on the spatial and seasonal variability of
those species and the overall abundance.

For crabs, basically, we're trying to determine
if there's any special variability in the habitat
utilization by crabs in the area, and then we use that
information to assess any potential changes associated with
For seabirds, marine mammals and sea turtles, our current approach is to characterize again both spatial and temporal patterns in species composition and abundance of birds and mammals in the Project area, and then we would use this data to assess the likelihood of any direct interactions between these animal groups and the Project.

For acoustic we want to get a handle on ambient acoustics so existing acoustic signatures of the Project area, and then we'd use this data to establish kind of the background acoustic field essentially of which we would then analyze any additional sound or noise created by the Project and the evaluation of such comparing those two.

And finally, wave and currents: Essentially, the idea here is to measure ambient waves and currents in the Project study area to better characterize existing physical conditions, and then this data much like the rest of the information would be to establish both local and regional clients and -- climate and currents so we can get an understanding, again, of the resource there that we're essentially looking to -- to tap to generate power from.

Okay. Back to Jim.

MR. HASTREITER: All right. So we're at the point in the meeting where we'll take formal comment. I saw the sign-in sheet and we have lots of shy people in the
audience today.

Young man in the corner, you came in a little late. Did you have an interest in making formal comment at all?

UNIDENTIFIED SPEAKER: I just got here so I'm not sure what it's all about.

MR. HASTREITER: Oh, okay. All right. Well, you can talk to me after the meeting and I can fill you in a little bit more. We basically went through a description of the Project and -- and the process we undertake to license a project.

MR. RUMRILL: Can I just add some comments on the proposed studies?

THE COURT REPORTER: And I'm sorry. Real quick: Even though you all gave your names, there's no way on earth I'm going to remember so please just state your name before you speak so I can get it right.

MR. RUMRILL: Steve Rumrill.

THE COURT REPORTER: That's fine.

MR. RUMRILL: Regarding the proposed studies on sediment habitats and infaunal invertebrates, I'd like to also ask if it's possible to add a consideration of the epifaunal invertebrates. There's a considerably important ecological community on top of the sediments as well that doesn't seem to be captured in this. Those would include
our sea stars, soft corals, sponges, brittle stars. It may just have been an oversight, but that piece should be in there.

The second comment is regarding the crabs. I'm happy to see the crab studies here, but we'd also like to suggest that you add a component to look at the migration of crabs, behavior of crabs moving into and out of the proposed study area. Work is going on with acoustic tagging of crabs on the Oregon Coast. To be able to look at some of these movements and those migrations in and out of the study area may be important in addition to the abundance and distribution that you've proposed.

MR. HASTREITER: Is that it, Steve?

MR. RUMRILL: Yes.

MR. HASTREITER: Thank you very much.

MR. STEIN: My name's Tony Stein with Oregon Parks. I worked with 3U Technologies in trying to identify a landing site. And at the time there was three identified, and I noticed in the Scoping Document -- the PAD -- excuse me -- that there's now four, and one is -- one that's been added is the Ona Beach, the lower site, not the ODOT facility. And we had made comments to -- to 3U Technologies and I have a copy of the letter I sent to them. I'd like to submit that.

MR. KLURE: Okay.
MR. HASTREITER: Yeah. Thank you. Anybody else --

MR. HOMOLKA: Jim, is there -- Ken Homolka. Is there an opportunity to ask questions or is this -- on the formal comment period that we have to ask the questions or is this after or --

MR. HASTREITER: You can ask right now. I mean, you know, we don't have a lot of commenters so we can do that right now if you want, Ken.

MR. HOMOLKA: On the FERC Notice For Scoping Meeting and Soliciting Scoping Comments, usually when I've seen those in the past, it also solicits study requests and it didn't include it in this case but the Scoping Document does call for studies.

MR. HASTREITER: Right.

MR. HOMOLKA: Was that an oversight?

MR. HASTREITER: No. Typically, in an ALP, there's an anticipation that that's going to happen as a part of the collaborative process. We did include it in the Scoping Document just to point out to folks that may not be involved in the stakeholder groups that if they have, you know, some ideas about studies, we welcome any ideas they have.
MR. HOMOLKA: And the studies that have been scoped out in the group, do they have to be submitted formally using the -- the -- meeting each of the requirements for a study request that are --

MR. HASTREITER: No. No. That's only a requirement in the ILP. I mean -- you know, the discussion between Oregon State and FERC was let's use those criteria as we move forward in the discussions among the stakeholders on studies, use those criteria to establish studies, but as far as, you know, a FERC command and control, that doesn't happen in the ALP process concerning the studies.

MR. HOMOLKA: So if there's additional studies that haven't been scoped out yet that we'd like to get on the record, then we have to submit them and using that criteria to justify those studies, correct?

MR. HASTREITER: I mean, that's what we're asking. You don't have to do that, but that -- we decided those criteria are important in trying to decide, you know, whether studies are applicable or not. We could always just do it in future stakeholder meetings, but if you're more comfortable submitting those studies as a part of the scoping meeting notice, that's fine, too.

Do you have any preference, Justin?

MR. KLURE: Yeah. Well, I think just to add to that, as part of our collaborative work group process of
which ODFW and other agencies are a part of, we're working through those discussions on proposed studies and so our ultimate goal is to be able to get agreement within that process around proposed studies. That way we're understanding what those studies would look like and we would come to a consensus on what those studies are and that we don't necessarily then have additional studies that come in that we're not -- we're not privy to or understand what they would be as part of a collaborative work group.

So the communications protocols and all that other stuff that Delia's very familiar with kind of lay out what that process looks like so that we can get to agreement on what those studies are as we submit our final Scoping Document.

MR. HASTREITER: Does that work for you, Ken?

MR. HOMOLKA: Thanks. Thanks for the response.

MR. HASTREITER: Okay.

MR. HOMOLKA: I'm not ready to say "yes" or "no" at this point.

MR. HASTREITER: Okay. That's fine.

MR. HOMOLKA: Thanks for the information.

MR. KLURE: You bet.

MS. MATTES: Lynn Mattes. I'm asking this question more personally rather than as an official department question if that makes sense. I noticed on your
proposed list of studies there was nothing involving fish.
You've got the inverts and you've got the mammals and the
seabirds but not that in-between. There are some other fish
that live in that area or just above that area. Is there
any consideration for those?

MR. KLURE: There's certainly consideration for
those species. The goal of the study plan is to fill in
information gaps of which we don't have information on. So
at the time we submitted the Scoping Document, those were
the gaps that we were able to identify. If throughout this
process there are gaps that are identified of which we were
not aware of of which would require supplementing
information through baseline studies, then those studies
would be proposed as the collaborative process.

So I wouldn't say we're -- we're not concerned
or analyzing that particular group of species. It's a
matter of whether or not a baseline study is required for us
to conduct that analysis in the EA.

MS. MATTES: The petrale sole is still
technically considered --

THE COURT REPORTER: I'm sorry. Is considered
what?

MS. MATTES: Petrale sole is considered an
overfished species. It's a different category than ESA.
But I know through the council process, we have to do -- if
it impacts petrale sole, we have to take a close look at that.

MR. KLURE: Okay.

MR. HASTREITER: And if you have any existing information on those species, you know, you're part of this process so we're asking for that information or if you can just guide to different resources, that -- where that information may be available, that's usually of great assistance. I'm assuming ODF&W has a pretty good handle on fish species, where the fishing grounds are --


MR. HASTREITER: Right. So that would be helpful.

MS. HATFIELD: Kim Hatfield, National Marine Fisheries Service. I have a couple of comments and questions. I know we are a part of the collaborative work group and look forward to continuing the process to work through the issues that come up.

A few things that I just feel it's important to highlight as far as our concerns in the process; particularly, mitigation or measures to reduce the -- and minimize the effects of this Project. One key thing that's kind of in the document that isn't really highlighted is the fact that we're all committed to and we expect the
development of a robust, adaptive monitoring and responsible mitigation plan for this Project to move forward. That is primarily due to the uncertainty associated with the flexibility that OSU needs in order to have a research facility so we recognize that that's a need of the applicant, but that we have the expectation that there would be significant emphasis placed on that adaptive management process.

Also, a question or comment on the NEPA analysis. So far you're proposing a no-action alternative which is, of course, typical. The proposed action there in Section 3.3 mentions there may be other alternatives to the proposed action. I know at this point, because of the fact that we're still moving forward with developing the actual applicant's action, that it may not be time for alternatives, but I'm curious or would look forward to hearing potential alternatives rather than just having no action and then action alternative. It seems like we have some opportunities for, you know, varying the numbers of devices and in a phased approach or -- you know, I don't have any specific ideas at this point but those are some potentials.

I appreciate that you've clarified that the license term is, you know, proposed at this point to be 25 years. The document kind of just gave the 30 to 50 year
And as far as the baseline monitoring, in the document it refers to the seabirds, marine mammals and the sea turtles. It infers that if the -- that there will be enough data available from the baseline studies to, you know, kind of determine the level of interaction that might occur. For NMFS' purposes and environmental analysis, we'd assume presence throughout the range of the species. So we can't really support discounting the presence of a species based on that limited information that's available for the Project site itself. It's important to note that.

And one other question on the study plans and it's more of a schedule question which I understand we're working on an aggressive schedule, but it appears that the study plans wouldn't be approved or finalized until late September or sometime in September, yet the preliminary environmental analysis document would come out in the spring.

NMFS feels that it would be fairly -- it would have to be very preliminary because the results of the baseline studies would not really be fully available until after that environmental preliminary document came out. So we just wanted to highlight that and question whether or not that's was the best use of resources to come out with a preliminary EA when we don't have all the information.
available for the site yet.

I also had a -- just a clarification question
on the section that refers to the resource issues. The --
in the list, the ones that are -- have an asterisk, that
means they are both going to be site-specific and
cumulative?

MR. HASTREITER: Correct.

MS. HATFIELD: Okay. And the ones without an
asterisk are still anticipated to be addressed in the
Environmental Analysis?

MR. HASTREITER: Site-specific, yeah.

MS. HATFIELD: Okay. Thank you. I would --
one more thing I would add to that then is that for
cumulative effects, you looked -- we would expect that
cumulative effects would be analyzed for T & E species,
critical habitat, and essential fish habitat. We are
required to analyze those in our consultations. Thank you.

MR. HASTREITER: Thank you. So just based on
the schedule, you know, we've put in a very
aggressive schedule.

MS. HATFIELD: I fully recognize that.

MR. HASTREITER: Right. And so we're going to
have to be light on our feet as we move along, and if
modifications of that schedule are necessary based on, you
know, what you pointed out, that will happen. Yeah.
MR. KLARIN: Paul Klarin. When you talk about cumulative effects -- and I think you mentioned this before -- is it -- what's the let's say geographical scope of the footprint that you'd consider for cumulative effects and what other things in the area would be part of that analysis?

MR. HASTREITER: Well, in -- I -- we're not set to establish that exact scope yet. That's why we're here to get ideas from folks.

MR. KLARIN: So in consideration for things like fishing, you'd be looking to the effect this would add to the effect on fishing from things like marine reserves in the area?

MR. HASTREITER: Right.

MR. KLARIN: Okay.

MS. KELLY: Delia Kelly. We have a particular interest at ODFW in the cable route. The specific preferred route hasn't been identified yet. Can you tell me when you anticipate that it would be identified? Selected?

MR. KLURE: So we're completing the analysis of the three alternatives at this point. I think our hope is within the next couple months to have that analysis complete and have a preferred path identified and a potential alternative path identified.

MS. KELLY: Okay. Thank you.
MR. STEIN: I'd like to ask a question about this document, the --

MR. HASTREITER: We need your name again, please.

MR. STEIN: Tony Stein. It's a little bit different than the PAD of April 15th which showed -- actually shows four landing sites.

MR. KLURE: Right.

MR. STEIN: You just mentioned three.

MR. KLURE: Three cable paths, four potential landing sites. That Ona Beach site there in the middle of the ODOT sites actually have two potential landing sites --

MR. STEIN: Okay.

MR. KLURE: -- that follow that same path.

MR. STEIN: So you're counting that as one site?

MR. KLURE: Yeah. For what I just said, yeah.

MR. STEIN: Okay. Thank you.

MR. HOMOLKA: Ken Homolka. In the Scoping Document it talks about the length of the FERC license. It mentioned 30 to 50 years and I know an initial license can be up to 50 years and anything less than, and you've mentioned you're proposing 25?

MR. KLURE: That's correct.

MR. HOMOLKA: So it probably should be maybe
corrected in the Scoping Document.

MR. KLURE: Mm-hmm.

MR. HOMOLKA: But also I'm thinking about the temporal scope and oftentimes FERC reserves the decision on the term of the license to themselves. So to me, that may open the door for some uncertainty what it may actually end up being and how we can kind of define what the temporal scope should be with that uncertainty.

MR. KLURE: Okay.

MR. HASTREITER: There's always uncertainty with the term of the license.

MR. HOMOLKA: And I guess that would -- you wouldn't be anticipating a re-license? This would be at that point, you're planning 25 years, it would be like a decommission proposal?

MR. KLURE: That is correct. At this stage we're looking at a 25 year project license.

MR. HELLIN: And that's largely limited by the expected lifespan of the cables themselves. They don't tend to work very well after that time.

MR. HOMOLKA: Okay.

MR. HASTREITER: Anybody else want to ask a question or make a comment?

(No response.)

MR. HASTREITER: Well, that turned out better
than I thought. I thought we were going to come away empty
handed so I appreciate everybody thinking about it and
giving us some thoughtful comments. It's much appreciated.
So let's move on then from the formal comment period.

So as a reminder, August 4th is the due date
for filing comments on the PAD, comments on the Scoping
Document, comments on study requests, and for providing any
information that we may not have to assist us in our
Environmental Analysis. So August 4th is a very important
date.

Another important date is July 28th. In our
initial notice, we requested cooperating agency status and
July 28th that is due. We have received one request for a
cooperating agency from the Corps of Engineers last Friday.
We anticipate we will get one from BOEM.

Then let me just move through a few
administrative items quickly. On Page 32 of the Scoping
Document, there's a list of comprehensive plans. If you
know of other comprehensive plans that you want the
Commission and Oregon State to consider as part of the
PMEC-SETS Project licensing in our analysis, please file it
with the Commission.

There's also a mailing list in the Scoping
Document beginning on Page 36. And for any changes to that
mailing list, either additions or completion -- additions or
deletions, please follow the directions in the Scoping Document on Page 27.

So how to file: Most of you have done this before, but you have to clearly indicate on the cover sheet the correspondence -- correspondence relates to the Pacific Marine Energy Center South Energy Test Site Project as well as the Docket Number P-14616.000. And we -- you can file those items that you intend on filing with FERC either electronically or by hard copy providing five copies and the original to the FERC secretary at that address.

I just wanted to point out some of the on-line resources now that we're in the digital age. OSU-NNMREC have two sites on the Project. It has a lot of information. I'm not sure what the difference between the two sites are.

Did you want to talk about that, Dan, or --

MR. HELLIN: Which two?

MR. KLURE: PMEC and NNMREC.

MR. HASTREITER: Yeah.

MR. HELLIN: Yeah. The PMEC.us is really a site dedicated to the Project itself, is aimed at providing as much as information as possible to the public. It also has links to all the documents that have been filed so people don't have to go to different agencies and try and find everything. It's all centralized there.

It also has a table showing the whole process
and where we are and also lists out upcoming meetings, when
there's going to be public comment periods, and there's also
a sign-up for a mailing list which most of you wouldn't need
to do, but -- so if people wanted to keep informed. So
it's really a way for us to provide information to the
public in the easiest way possible.

And the NNMREC site is basically just the site
for NNMREC itself.

MR. HASTREITER: All right. Thank you. And
then at the front desk here, we made a brochure available
that describes the Commission's on-line system, and we
encourage anyone that's involved in FERC licensing to use
the on-line system rather than using snail mail. There's a
lot of information available at FERC's website as some of
you may know, FERC.gov.

I just wanted to mention two items that again
is in this document. One is e-library. You can go to
FERC.gov and click on e-library and put in -- there's a
space for a docket number. In this case it's P-14616. You
have to put that in there, and there's a date range you can
fill in, and you can see any document that was either filed
to FERC or that FERC issued on the PMEC Project.

The other item that is beneficial is
e-subscription. It's a one-time you sign up and you give
your e-mail address and any time a document is either filed
or issued by FERC on the PMEC Project, you will get an e-mail
alerting you to that filing or issuance. And it'll have a
link that you just click on that link and it'll go right to
the document.

So we're trying to make the FERC on-line system
a little less painful by going that route, and most people
seem to -- I mean, they're a little bit intimidated because
they don't want to sign up but it's pretty simple. It's
much easier than when you try to sign up for many other
things on the Internet. So just those sorts of things.

So I guess I'll just -- if anybody else had any
other questions, we'll give you one more opportunity if you
thought of anything.

(No response.)

MR. HASTREITER: And if not, I guess we'll end
the scoping meeting. Thanks for coming. I really
appreciate your time.

(Meeting concluded at 2:05 p.m.)